

Orting School District



SPECIAL EDUCATION
PARENT HANDBOOK



www.ortingschools.org

WELCOME TO ORTING SCHOOL DISTRICT

Student Services and Intervention Department

Welcome Parents/Staff,

Our District realizes that a critical element in the foundation of a successful school system is a network of knowledgeable parents who work collaboratively with staff members to ensure successful outcomes for their children. We hope you will find the information will be useful in becoming an active partner in this process.

On our Website <http://www.ortingschools.org>

- Where to Seek Help in the Student Services
- Special Education

[How to Prepare for an IEP Meeting](#)

[Are You New to The District?](#)

[Frequently Asked Questions About Special Education](#)

Thank you for taking time to familiarize yourself with our District's programs and services. We look forward to building a partnership with you that will prepare our children for College Career and Life.

Sincerely,

Christopher Willis
Executive Director for Student Support Services

WHERE TO SEEK HELP

Programs and Services

There are several Orting School District staff members who provide information or services to parents of students with special needs. You can also find more information on the Orting School District Website by following the directions below:

- Go the website at: <http://www.ortingschools.org>
- Click on the header **Departments**
- Scroll down the drop-down list to **Student Support Services** click on it.

This will take you to a page that has the contact information.

Click **Student Support Services** on the Left side of the screen.

On this screen you will find several options to click with valuable program information.

Student Services

Special Services and Intervention, Staff List

Who to Contact....

Title/Position	Name	e-mail
Executive Director for Student Support Services	Chris Willis	Willisc@orting.wednet.edu
Executive Assistant for Student Support Services	Colleen Flanagan	Flanaganc@orting.wednet.edu
Secretary for Student Support Services	Katrina Mang	Mangk@orting.wednet.edu
District RN	Marion Deaton	deatonm@orting.wednet.edu
District RN	Deanna Wulff	wulffd@orting.wednet.edu
ELL Lead Teacher	Grettel Kintigh	knitightg@orting.wednet.edu
Lead Speech Therapist	Lori Gosney	gosneyl@orting.wednet.edu
School Psychologist	Naomi Moeller	moellern@orting.wednet.edu
School Psychologist	Sandra Towne	townes@orting.wednet.edu
School Psychologist	Robyn Rix	rixr@orting.wednet.edu

Student Services

Special Education & Intervention Teachers, Staff List

Elementary Schools (Preschool – 5th grade)

Mandy Miller	Instructor –Preschool- OPS	360-893-2248	
Yok Roatphunyakit	Instructor- Preschool- OPS	360-893-2248	
Beth Thompson	Instructor –Resource – OPS	360-893-2248	
Stephanie Donlavage	Instructor- Intervention- OPS	360-893-2248	
JoAnn Tracy	Instructor –Resource- PTR	360-893-0595	
Sara McCoy	Instructor –Resource - PTR	360-893-0595	
Tina Click	Instructor-Resource - PTR	360-893-0595	
Marcy Daugherty	Instructor Life Skills K-5	360-893-0595	
Val Patterson	Instructor Life Skills K-5	360-893-0595	
Candice Webster	Instructor Intervention -PTR	360-893-0595	

Middle School (6,7,8)

Shana Smith	Instructor –Resource- OMS	360-893-3565	
Traci Pryde	Instructor –Resource- OMS	360-893-3565	
Kari Dixon	Instructor-Resource- OMS	360-893-3565	
Karen Reynolds-Chen	Instructor- Life Skills – OMS	360-893-3565	
Jennifer Sanders	Instructor- Intervention Math	360-893-3565	
Alyse Van Scoyoc	Instructor- Intervention Reading		

High School (9-12)

Steve Meyers	Instructor –Resource –OHS	360-893-2246	
Caryn Pekarek	Instructor – Resource - OHS	360-893-2246	
Kim Wagner	Instructor-Resource-Transition	360-893-2246	
Lisa Johnston	Instructor –Resource –OHS	360-893-2246	
Jennifer Babcock	Instructor –Life Skills - OHS	360-893-2246	
Harry Steffens	Instructor- Intervention	360-893-2246	



A BRIEF OVERVIEW OF THE SPECIAL EDUCATION PROCESS

Important Elements of the Special Education Process:

The Individuals with Disabilities Education Act (IDEA, Public Law 108-446), defines *special education* as “specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.” A *child with a disability* as defined by IDEA means “a child with intellectual disability, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who by reason thereof, needs special education and related services.” The term *child with a disability* for “a child aged 3 through 9 (or any subset of that age range, including ages 3 through 5), may, at the discretion of the State and the local educational agency, include a child experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in 1 or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development; and who, by reason thereof, needs special education and related services.” The Special Education Guidelines for Staff and Parents flow chart summarizes this process.

The definition of the term *special education* is significant to parents for two reasons. First, a child may have a disability but not fit the definition as it is used for *educational* purposes; therefore, he or she would not be covered under IDEA. Second, the definition of *related services* is related to the definition of special education. A *related service* is a service designed to enable a student to benefit from special education instruction and general education curriculum (e.g., Speech and Language, Nursing Services, Occupational Therapy, Physical Therapy, Counseling). Therefore, if a child does not need special education there can be no related service(s).

How do the parents and the school determine if a student needs special education services and which services would be appropriate to meet the student’s unique needs?

The summary on the following pages describes the identification, referral, evaluation, eligibility, and Individualized Education Program process, Annual Review, Reevaluation.

- **Telephone numbers are available at the District’s Website:**
 - **Go to the District Website at: <http://ortingschools.org>**
 - **Click on the header “Departments”**
 - **In the drop down list, click on “Student Services”**
 - **Click on the left side ‘Contact us”**
 - **By clicking on the contacts name, that will generate an e-mail, feel free to e-mail or call with questions.**

Identification: Recognition on the part of a parent, a teacher, or another person that a child may have special learning needs.

- **Primary contact person for children under 3: Birth to Three, A Step Ahead Pierce County, Jamie Jones 253-471-2727**
- **Primary contact person for preschool-age children: Child Find, Lori Gosney at 360-893-2248 X 5130**
- **Primary contact person for school-age children: Principal of the school.**

Referral: Informing a school or agency that a student may have special learning needs.

A parent, teacher, or other appropriate staff member may refer a student. To refer a child, request a Special Education referral form from [the district office](#), complete it, and return it to the district office with any supporting documentation, e.g., outside evaluations that you may have. Children do not have to be in public school to be referred. The school staff must consider whether to evaluate within 25 school days.

Evaluation: The process of collecting and analyzing information and assessments such as psychological, medical, sociocultural, educational, and other appropriate information about a child, which are used to determine if the student has a condition which may have an impact on him or her educationally. Evaluation must be completed within 35 school days from parent's written consent to evaluate.

- Primary contact person: School Psychologist – contact the school psychologist at your neighborhood school.

Eligibility: The process by which a committee of professional staff members and the parents consider the individual needs of a student and determine whether the student is eligible for special education and related services.

Eligibility committees meet at the child's school. If the student is found eligible for special education services, parents and school staff members meet within 30 calendar days to develop an individualized education program (IEP).

- Primary contact person: School Psychologist – contact the school psychologist for your neighborhood school.

Individualized Education Program: The procedure by which parents and school staff members develop a written plan called the Individualized Education Program (IEP) describing a student's special learning needs and the special education services to be provided to meet those needs. The IEP team consists of parents; the student as appropriate; the student's teacher; a general education teacher if the student participates or may participate in general education classes; a representative of the school system who is qualified to provide or supervise special education services; and others as requested. IDEA requires that an IEP contain the following:

- A description of the student's present level of educational performance, as well as any concerns of the parents.
- A statement of annual goals, which may also include short-term instructional objectives.
- A statement of the specific special education services to be provided to the student.
- A statement concerning the extent to which the student will participate in general education activities.
- The date when special services will begin and how long the services will last.
- Information about how and when the student's progress toward IEP goals will be evaluated.
- A list of needed curriculum, testing, and classroom accommodations and modifications.
- A statement concerning the extent to which a student will participate in the district-wide and statewide assessment programs and accommodations that a student will need during testing. If the student will not participate in the assessments, the IEP must indicate how the student will be assessed.
- Parent signature required for services to begin, but is not required for continued services.
- A statement of needed transition services for 16 years of age or older.
 - Primary contact person: Special Education Teacher. To locate the Special Education teacher for your child, utilize the contact telephone numbers for all schools.

Annual Review: A scheduled meeting of school staff members and parents to develop, review, and revise the IEP of a student receiving special education services.

- Primary contact person: Special Education Teacher. To locate the Special Education teacher for your child, utilize the contact telephone numbers for all schools.

Reevaluation: A review to decide if additional and/or updated information is needed to determine individual needs and continued eligibility for special education and related services. A reevaluation is required every three years or more frequently if conditions warrant or upon request by the parent(s).

- Primary contact person: School Psychologist. To locate the school psychologist for your child, utilize the contact telephone numbers for all schools.

Orting School District

Orting Primary School – Preschool - 3rd grade; 316 Washington Ave N, Orting WA 98360, 360-893-2248

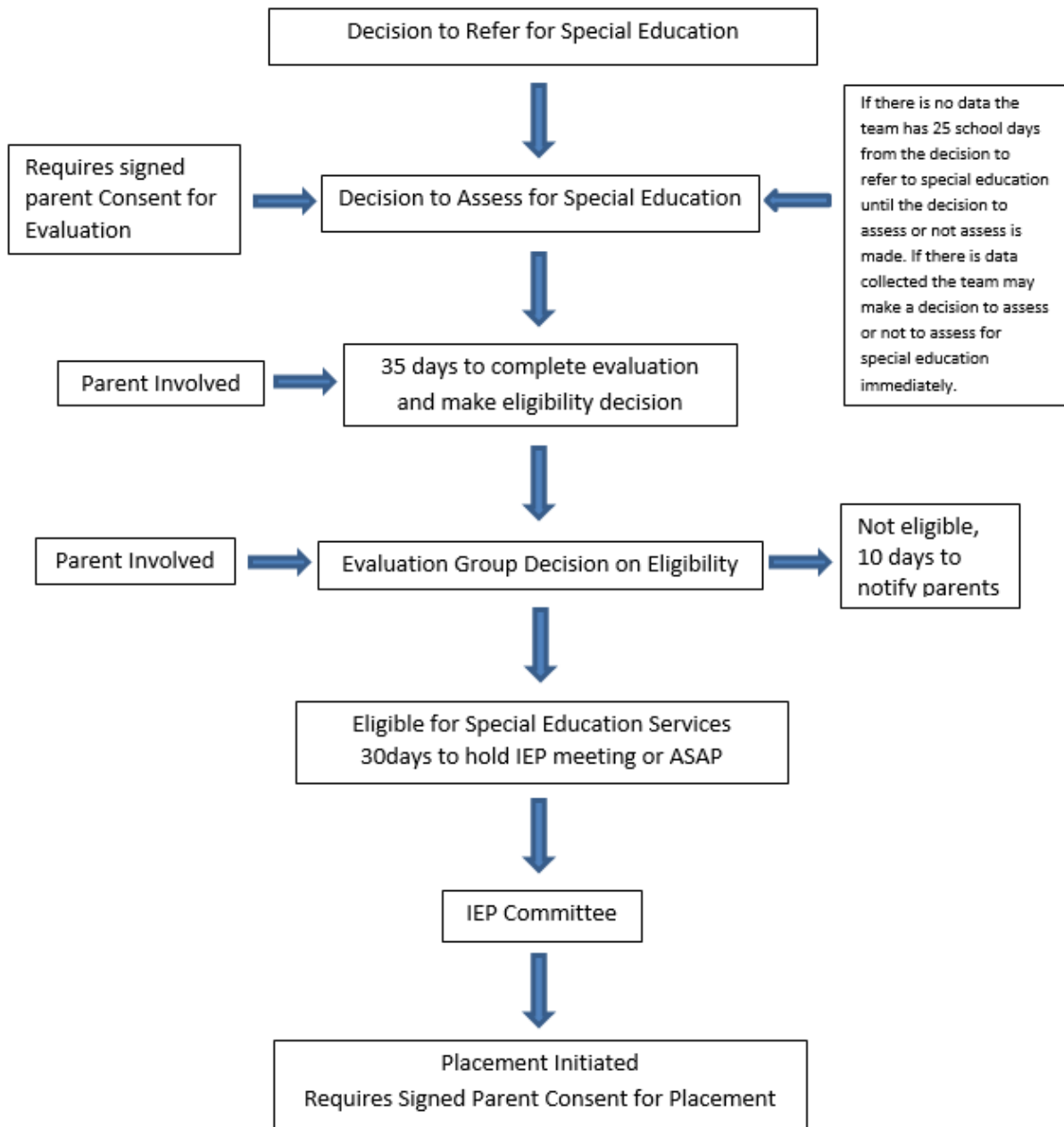
Ptarmigan Ridge Elementary – K-5th grade; 805 Old Pioneer Way NW Orting WA 98360, 360-893-0595

Orting Middle School – 6-8th grade; 111 White hawk Blvd NW Orting WA 98360, 360-893-3565

Orting High School – 9-12th Grade, 320 Washington Ave. N. Orting WA 98360, 360-893-2246

SPECIAL EDUCATION GUIDELINES
FOR STAFF AND PARENTS FLOW CHART

Special Education Eligibility Process



HOW TO PREPARE FOR AN IEP MEETING

- Come prepared. Before the meeting write down your ideas, questions, and concerns.
- Speak with your child's teacher(s) about any assessments he or she has used to determine your child's progress, and discuss the results.
- Ask for a draft copy of the IEP before the meeting. This will allow you time to go over it in depth and to make notes. If the draft does not address your areas of concern, contact the teacher. Remember that you are a member of the IEP Team and your input will be considered.
- If you have questions to be resolved or issues of concern for individual staff members, please try to address them before the meeting. You should have an ongoing dialogue with your child's teacher and open communication all year long so that issues can be resolved as they arise and not result in a long and potentially difficult meeting.
- Consider making an appointment with the teacher to observe your child in the classroom.

AT THE IEP MEETING

- Initial IEP -- If you feel that the proposed IEP accurately describes your child's strengths and needs, and you feel that the proposed placement can meet those needs, sign the document indicating that you are providing consent for initial Special Education services, and services can start immediately.
- With the staff, discuss how much progress has been made on goals from the last IEP, which goals will need to be continued, and which will need to be modified. You may want to see specific examples of how progress has been measured on the current IEP.
- Remember that your signature is required for initial special education services, but not for continuing services.
- If you have not seen the IEP draft in advance and you need more time to consider it, let the staff know that you would like to take it home with you and return it within the next few days. Be sure to get back to the staff within a reasonable amount of time (1-2 days) because staff members need to follow-up on unsigned IEPs.
- Discuss your concerns with other people if you need to, and then try again to resolve your differences with the school staff.
 - If you cannot reach agreement and you are beginning to feel upset, frustrated, or uncomfortable, calmly ask to end the meeting and reconvene at another time. Agree on a date to reconvene before the meeting ends. Prior to the next meeting, provide the team members with your concerns so that they can be addressed in a positive manner.

ARE YOU NEW TO THE DISTRICT?

The Special Education Department delivers specially designed instruction and related services to educate students with disabilities. The program uses Child Find and other identification activities and provides appropriate services for students with disabilities. At the Orting School District, we have made a firm commitment to help all students get the instruction and help they need to be successful learners. We have a variety of programs to meet the needs of students with special learning needs, including:

- Special Education
 - Birth to Three
 - ECEAP (Early Childhood Education Assistance Program)
 - Head Start
 - Preschool Special Education
 - Deaf and Hard of Hearing
 - Health Services
 - Counseling
- Registering Your Child in the Orting Schools
If you are new to our District, no doubt you have a lot of questions. How can you make sure your child is in the program, class, or school that appropriately meets his or her needs?

Please go to your neighborhood school to enroll. Please bring with you your typical enrollment documents such as birth certificate, proof of residency in the Orting school district, immunizations. Your building secretary can help you with an enrollment packet. Please bring with you any special services documents from the last school district. Such as IEP, Evaluations reports, 504 plans and medical plans. For more information, please call our special services office at 360-893-6500.

No matter what your child's individual needs, you have an important role to play. A brief overview of the registration process and how to get started follows.

- Elementary schools serve Preschool to 5th grade.
- Middle schools serve 6th through 8th Grade students.
- High schools serve 9th through 12th Grade students.

Orting School District

Administration Office - 121 Whitesell St NE Orting WA 98360, 360-893-6500 x234

Orting Primary School – Preschool - 3rd grade; 316 Washington Ave N, Orting WA 98360, 360-893-2248

Ptarmigan Ridge Elementary – K-5th grade; 805 Old Pioneer Way NW Orting WA 98360, 360-893-0595

Orting Middle School – 6-8th grade; 111 White hawk Blvd NW Orting WA 98360, 360-893-3565

Orting High School – 9-12th Grade, 320 Washington Ave. N. Orting WA 98360, 360-893-2246

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Key Definitions

What is the Individuals with Disabilities Education Act (IDEA)? The Individuals with Disabilities Education Act (IDEA) is the nation's special education law. First enacted three decades ago, IDEA

provides federal funding to assist states and local communities in providing educational opportunities for approximately six million students with varying degrees of disability who participate in special education.

In exchange for federal funding, IDEA requires states to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE). The statute also contains detailed due process provisions to ensure the provision of FAPE. Originally enacted in 1975, the Act responded to increased awareness of the need to educate children with disabilities and to judicial decisions requiring states to provide an education for children with disabilities if they provide an education for children without disabilities.

Part A of IDEA contains the general provisions, including the purposes of the Act and definitions. Part B, the most frequently discussed Part of the Act, contains provisions relating to the education of school-aged and preschool children, the funding formula, evaluations for services, eligibility determinations, Individualized Education Programs (IEPs), and educational placements. It also contains detailed requirements for procedural safeguards (including the discipline provisions) as well as withholding of funds and judicial review. Part B also includes the Section 619 program, which provides services to children aged 3 through 5 years old.

Part C of IDEA provides early intervention and other services for infants and toddlers with disabilities and their families (from birth through age 3). These early intervention and other services are provided in accordance with an Individualized Family Service Plan developed in consultation between families of infants and toddlers with disabilities and the appropriate state agency. Part C also provides grants to states to support these programs for infants and toddlers with disabilities. Part D provides support for various national activities designed to improve the education of children with disabilities, including personnel preparation activities, technical assistance, and special education research.

What is a free appropriate public education (FAPE)? IDEA recognizes that, to the extent possible, children with disabilities are entitled to the same educational experience as their non-disabled peers. IDEA further recognizes that the expenses associated with providing for the special needs of children with disabilities are a public responsibility. Therefore, the centerpiece of the law is the FAPE concept. Generally, FAPE means that children with disabilities are entitled to publicly financed education that is appropriate to their age and abilities.

Specifically, FAPE means special education and related services that are available to all children with disabilities in a state that:

- are provided at public expense, under public supervision and direction, and without charge;
- meet the standards of the state educational agency (SEA);
- include an appropriate preschool, elementary school, or secondary school in the state; and
- are provided in conformity with the Individualized Education Program established for the child.

What is the least restrictive environment (LRE)? When IDEA was originally enacted in 1975, Congress recognized that many children with disabilities were unnecessarily separated from their peers and educated in alternative environments. Therefore, IDEA requires that states provide a free appropriate public education (FAPE) to children with disabilities in the least restrictive environment (LRE). The general goal is to allow children with disabilities to be educated with their peers in the regular classroom to the extent possible.

IDEA recognizes that there is an array of placements that meet the general requirements of providing FAPE in the least restrictive environment. LRE may change from child to child, school to school, and district to district. In developing the IEP, parents and the local educational agency are empowered to reach appropriate decisions about what constitutes LRE for the individual child, including placements that

may be more or less restrictive in order to maximize the child's benefit from special education and related services.

What is an Individualized Education Program (IEP)? The Individualized Education Program, or IEP, is the key document developed by the parent and his or her child's teachers and related services personnel that lays out how the child receives a free appropriate public education in the least restrictive environment. Among other components, the IEP lays out the child's academic achievement and functional performance, describes how the child will be included in the general education curriculum, establishes annual goals for the child and describes how those goals will be measured, states what special education and related services are needed by the child, describes how the child will be appropriately assessed including through the use of alternate assessments, and determines what accommodations may be appropriate for the child's instruction and assessments.

What is an Individualized Family Service plan (IFSP)? An IFSP is the Part C (formula program for infants and toddlers with disabilities) equivalent to an IEP. It is developed through an assessment and evaluation process, identifies the child's present levels of development and performance, establishes goals for future development and performance, and outlines how the child will receive early intervention and other services. Unlike an IEP, the IFSP explicitly integrates the needs of the family with those of the child and presents a comprehensive plan that enables the family to meet its goals.

INDIVIDUALIZED EDUCATION PROGRAM

What is the timeline for getting a child evaluated for a disability? In order for a child to be eligible for special education and related services, the child must first be determined to have a disability. Parents, teachers, or other school officials who suspect that the child may have a disability would request that the child be evaluated by a multi-disciplinary team to determine if the child has a disability and needs special education or related services as a result of the disability. Generally speaking, IDEA requires that a child be evaluated within 35 school days once the parent has given written consent for the evaluation. States may establish shorter or longer timeframes in their own state legislation or regulation, and those state-developed timelines would be binding.

Exceptions to the timelines exist if the child moves from one district or state to another district or state after the evaluation was requested or if the parent refuses to make the child available for the evaluation. Under those circumstances, districts are required to make sufficient progress to ensure that a timely evaluation is conducted.

If a child moves from one district to another within the state, does the IEP follow the child? The new school district is required to continue to provide a free appropriate public education to the child with a disability including providing services that are comparable to those services outlined in the child's original IEP. The new school district is not required to implement the pre-existing IEP, but may choose to do so at its own discretion. If the new school district does not implement that IEP, the new school district must work with the parent through the IEP Team process to develop an IEP that is consistent with federal and state law.

If a child moves from one state to another, does the IEP follow the child? The new local school district in the new state is required to provide a free appropriate public education to the child with a disability including providing services that are comparable to those services outlined in the child's original IEP. The new school district in the new state is not required to implement the pre-existing IEP, but may choose to do so at its own discretion. If the new school district does not implement that IEP, the new school district in the new state must work with the parent through the IEP Team process to develop an IEP that is consistent with federal and state law.

Additionally, because definitions of disability and eligibility vary from state to state, the new school district in the new state may require the child to be evaluated to determine whether the child is eligible to be identified as a child with a disability under state law. If the child is eligible for services under IDEA in the new state, an IEP must be developed and implemented for the child.

What if a parent doesn't provide consent for evaluation or for services? If a parent does not provide their consent for an evaluation, the local school district does have the authority to use the due process

procedures to seek an order from a hearing officer requiring an evaluation. School districts should use this authority sparingly.

If a parent does not provide their consent for the provision of services, no special education or related services may be provided. The right of a parent to decide what educational services their child receives cannot be overturned using IDEA's due process procedures. If a parent indicates that they will refuse both consent for evaluations and consent for services, nothing in IDEA requires that a school district use the due process procedures to proceed through the evaluation phase.

Must all children with disabilities participate in state assessments? Under the No Child Left Behind Act (NCLB), for the first time ever states and local schools are held accountable for ensuring all children – including children with disabilities – are learning. Children with disabilities must be included in the assessment system required under the No Child Left Behind Act and schools must report their results through NCLB's adequate yearly progress structure. IDEA requires that the IEP Team determine how the child with a disability is assessed, not whether the child is assessed. IDEA recognizes that children learn in different ways, with different methods of instruction and assessment. The IEP Team is required to determine which accommodations are necessary, how to instruct the child, and how to assess the child. The IEP Team can have a child with a disability take the regular state assessment; the regular state assessment with appropriate accommodations such as Braille, additional time, or have the instructions read to the child multiple times; an alternate assessment aligned to grade level standards; or an alternate assessment aligned to alternate achievement standards. This array of assessment opportunities ensure that all students with disabilities can be assessed appropriately for individual and systemic accountability efforts.

Who are the IEP Team members? The IEP Team is responsible for developing the IEP and ensuring its effective implementation so that the child can receive special education and related services. The IEP Team must include the parents/guardian of the child with a disability, a regular education teacher (if the child is participating in the regular education environment), a special education teacher, and a representative of the school district. At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate, can be invited to the meeting.

What is the role of the General Education Teacher? Once the IEP has been developed, the student's general education teachers will need to ensure that they are familiar with their responsibilities to implement the student's IEP in the general education classroom. This may include implementation of individual accommodations, providing instruction that has been designed by the student's special education teacher, and/or maintaining data on the student for progress reporting purposes. The district must ensure that each of the student's general education teachers (even those who may not have attended the IEP meeting) have access to the student's current IEP, including any amendments. The district must also ensure that the general education teachers are informed of their specific responsibilities related to implementing the student's IEP, and the specific accommodations, modifications or supports that must be provided to the student in accordance with the student's IEP.

Before attending an IEP meeting, general education teachers should be familiar with the student's participation in the general education classroom. What strategies and/or accommodations have helped the student to be successful? What strategies and/or accommodations have not helped or should be modified to better help the student? Has the student consistently used the accommodations recommended in his or her IEP?

During the IEP meeting, general education teachers should offer information that assists in developing a meaningful IEP that meets the student's needs. Are team members recommending accommodations that the student does not need, or have not been effective? Are there other accommodations that have not been considered by the IEP team that would assist the student in accessing the general education curriculum? Ask questions and clarify anything in the IEP that impacts their instruction as well as their responsibility for IEP implementation. If teachers are not clear about their responsibilities, address items you are unsure of during the meeting.

After an IEP meeting, general education teachers should make sure that they understand their responsibilities for implementing the IEP, and know who to contact with questions. Be able to address

how they are providing instruction and accommodations for the student or providing other services, if they are responsible for those services. They need to make sure that they are coordinating instruction with the student's special education teacher, and that the special education teacher is designing and monitoring the specially designed instruction if that instruction is provided by the general education teacher. Finally, make sure that they have data to support how they are implementing the services for which they are responsible. Progress reporting in relationship to the student's annual IEP goals is an important element of IEP implementation.

PROCEDURAL SAFEGUARDS

What is the procedural safeguards notice? When must it be provided? The procedural safeguards notice is a copy of the procedural safeguards available to parents and children with disabilities. IDEA requires state and local educational agencies to provide parents with this notice. Generally, the agency is only required to provide the notice once a year. However, the notice must also be provided when parents request an initial evaluation or when a child is initially referred to the agency, the first time parents file any complaint, and whenever parents request the notice.

DISPUTE RESOLUTION

What to do if there is a breakdown in communication or parent believes IEP or Evaluation are not appropriate? Parents, including surrogate parents, are important participants in all aspects of their children's special education program. This involvement begins at the initial referral of a student for special education. The Office of Superintendent of Public Instruction (OSPI), Special Education Section, always encourages parents and school districts to work together to try to resolve disagreements that affect a student's special education program at the lowest possible level. There will be occasions when a parent or an adult student disagrees with the district's program and does not think that the issues can be resolved through the Individualized Education Program (IEP) team or through communication with school district administrators. There will also be times when a district believes that it is unable to resolve disputes with a parent that involve the district's ability to provide a free appropriate public education (FAPE) to the student. When parents and districts are not able to resolve differences through direct communication, there are more formal dispute resolution options available.

The following Special Education Mediation information is an overview of the three dispute resolution processes available for students age 3 through 21 under Part B of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA):

Special Education Mediation

Mediation services are offered by OSPI at no charge to parents or school districts. Mediation is available to help resolve problems that involve the initial identification of a student, evaluations of the student, the educational placement, and the educational services provided to a student.

An impartial mediator works with the parties to clarify issues, resolve conflicts and develop agreements between the parties, when an agreement is reached. Parents and school districts may invite any participants they believe will assist in the mediation. Mediation is a voluntary process for the parents and districts. Either the district or the parent may refuse to mediate, and there are occasions when parties are not able to reach an agreement. Mediation may not be used to delay or deny rights under IDEA or the right to proceed to a due process hearing. When parties reach an agreement, those agreements are in writing and are enforceable in state and federal courts.

To request mediation, or obtain more information call: Sound Options Mediation and Training Group, L.L.C. at 1-800-692-2540 or (206) 842-2298 (Seattle). Washington State relay service numbers are 1-800-833-6388 (TDD) or 1-800-833-6384 (voice). Sound Options - <http://www.somtg.com>

Citizen Complaints

Any individual or organization may file a citizen complaint if it believes a school district, another public agency serving special education students, a private agency under contract with a public agency to serve special education students, an educational service district, or the state has violated federal or state laws or regulations implementing IDEA. **The complaint must be in writing and it must be signed.**

The signed complaint **must** include the following information:

- A statement that a public agency has violated a requirement of Part B of IDEA, or corresponding state law or regulation; or, a statement that the school district is not implementing a mediation or resolution agreement.
- The name, address, and telephone number of the person filing the complaint.
- If the complaint involves a specific student, including students who are homeless, the name and contact information for the student.
- The name of the school district. If the complaint is about an agency other than the school district providing special education services, include the name and address of the other agency.
- A description of the problem with the facts supporting the allegations.
- A proposed resolution of the problem to the extent known.

When preparing a complaint, it is helpful to include as much information as possible including significant dates and events that may be relevant to the allegations. Although it is not required, a complaint form has been developed to assist individuals or organizations in providing the information needed in order to accurately process complaints. This form may be requested from OSPI, Special Education at (360) 725-6075. It is also available on the special education web site at:

www.k12.wa.us/specialed/pubdocs/Citizen_Complaint_Request_Form.pdf or
www.k12.wa.us/SpecialEd/pubdocs/Citizen_Complaint_Request_Form.doc

The citizen complaint should be sent directly to:

Office of Superintendent of Public Instruction
Attn: Special Education
PO Box 47200
Olympia, WA 98504-7200

Signed, written complaints may also be faxed to OSPI, Special Education at (360) 586-0247.

A copy of the complaint **must** be provided to the district or other agency.

After a complaint is received by OSPI, a copy of the complaint, along with any accompanying documentation, is sent to the school district, and the district is asked to respond to the allegations. A copy of the district's response is sent to the complainant and he or she is given an opportunity to reply to the district's response. After investigation, a written decision is issued within 60 days, unless an extension of time is warranted. If the parent or district needs additional time to address issues raised in the complaint, he or she must request an extension and the reasons needed for the extension. If there are violations of either state or federal special education law or regulations, the decision will address measures that are designed to correct both student specific and district systemic violations.

OSPI only investigates allegations of violations under Part B of the IDEA that have occurred in the past year.

OSPI only has authority to investigate issues arising from an allegation of a violation of IDEA, or the regulations that implement IDEA, unless a different statute or regulation requires parties to use a different dispute resolution provision. For example, if a parent is requesting an order placing a student in a private school or residential facility because the parent believes that the district is unable to provide a FAPE, federal special education law as implemented by the state's regulations require that this type of dispute be resolved through a due process hearing.

OSPI also cannot investigate matters that are currently the subject of a due process hearing, or matters that have been previously resolved in a due process administrative hearing decision.

Impartial Due Process Hearings

Both parents and school districts may request an impartial due process hearing involving issues about the identification, evaluation, placement, or provision of a FAPE to a student. The Office of Administrative Hearings (OAH) assigns an independent administrative law judge (ALJ) to conduct the special education due process hearing.

The original request for a due process hearing must be provided to the other party. Parents who are requesting a hearing provide the original request for a due process hearing to the superintendent of the school district. A copy of the due process hearing request must also be sent to OSPI, Administrative Resource Services:

Office of Superintendent of Public Instruction
Attn: Administrative Resource Services
Old Capitol Building
PO Box 47200
Olympia, WA 98504-7200

A copy of the due process hearing request may also be faxed to Administrative Resource Services at (360) 753-4201.

State and federal regulations require that a request for a due process hearing contain the following written information (which remains confidential):

- The name of the student;
- The address of the residence of the student (or available contact information in the case of a homeless student);
- The name of the school the student is attending;
- A description of the nature of the problem and the facts related to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time.

The right to a due process hearing can be denied or delayed if the request does not include all of the information stated above. It is up to the party requesting the hearing to provide proof that the due process hearing request was received. Any issues about whether or when the due process hearing request was received will be determined by the ALJ.

OSPI has developed a hearing request form available for use at:

http://www.k12.wa.us/SpecialEd/pubdocs/DPH_form.doc.

The form may be requested from OSPI, Administrative Resource Services or Special Education, or from the school district. OSPI has also developed written instructions entitled *Procedures and Timelines for Due Process Hearings Under IDEA 2004* that addresses the required procedures for providing the due process hearing request notice to the other party, including timelines before the due process hearing can begin. It is on the webpage:

http://www.k12.wa.us/SpecialEd/pubdocs/DPH_Time_Procedures.doc.

Once OSPI receives a hearing request OSPI assigns a cause number and forwards a copy of the hearing request to OAH. OAH appoints an ALJ who sends written confirmation to both parties that addresses the proceedings and timelines for the hearing process.

IDEA 2004 establishes a resolution period after the due process hearing request is provided to the other party. An explanation of the resolution period is provided in the *Interim Notice of Procedural Safeguards* and in the "*Resolution Session Information Sheet*" available on OSPI's webpage at:

http://www.k12.wa.us/SpecialEd/pubdocs/Resolution_Session_Info.doc.

Except for hearings involving discipline, while the due process hearing is pending, a student must remain in his or her present educational placement until the completion of all the proceedings unless the parties agree otherwise. An ALJ must issue a final decision not later than 45 days after the hearing time period

begins unless the ALJ grants an extension of time at the request of either party. When a due process hearing request involves disciplinary matters, the due process hearing is expedited. While a hearing involving discipline is pending the student remains in the interim alternative educational setting until the ALJ decision, or the expiration of the disciplinary time period, whichever comes first, unless the parties agree otherwise. Expedited due process hearings must occur within 20 school days from the date the hearing is requested. The ALJ must issue a final decision within 10 school days after the hearing. You may refer to the *Procedures and Timelines for Due Process Hearings Under IDEA 2004* instructions for more information about these timelines.

Both parents and school districts may be accompanied and advised by an attorney and by individuals with special knowledge or training with respect to the problems of children with disabilities. For parents seeking legal assistance, information can be obtained by contacting OSPI, Special Education at (360) 725-6075 or on the special education web site at: www.k12.wa.us/SpecialEd/pubdocs/legal_referral_list.pdf.

OSPI Special Education Section

Special education staff is available to answer questions from parents, districts and the general public regarding special education issues. In addition, OSPI funds state needs projects to provide information and resources in various areas including autism, sensory disabilities, assistive technology, early childhood, transition, and staff training. Publications containing information about special education operations and resources are available on the special education web site at: <http://www.k12.wa.us/specialed/>, email: speced@k12.wa.us or by calling (360) 725-6075, or TTY (360) 586-0126.

DISCIPLINE

In what circumstances do the discipline procedures apply? In reauthorizing IDEA, the bipartisan conference committee sought to ensure that schools would be safe for students and teachers, and that discipline problems would be addressed with common sense. The new IDEA helps school personnel ensure school safety and hold students responsible for their actions, while protecting the rights of children with disabilities. The discipline procedures only apply where the discipline infraction results in a change in placement for longer than 10 school days, and was a direct result of the child's disability. Unless a disciplinary infraction is the direct result of a child's disability, the child will be disciplined in the same manner and for the same duration as a non-disabled student.

If the discipline infraction of the child relates to drugs, weapons or serious bodily injury, will that child's discipline be handled differently? Yes. If the disciplinary infraction involves the serious safety issues of drugs, weapons, or serious bodily injury, the child will automatically be removed from the classroom for up to 45 school days. The child will be placed in an interim alternative educational setting, but will continue to receive educational services to make progress on his or her IEP. Also during this time, a determination will be made as to whether the disciplinary infraction was the direct result of a child's disability.

What process will determine whether the disciplinary infraction was the direct result of a child's disability? In order to determine whether the disciplinary infraction was the direct result of a child's disability, the school district, the parent and the *relevant* members of the IEP Team must determine whether the conduct in question was a "manifestation of the child's disability." This process is called a manifestation determination. The manifestation determination will analyze the child's behavior as demonstrated across settings and across time when determining whether the discipline infraction is a direct result of the child's disability. Previously, the school district had to prove that the child's action resulting in the discipline infraction *was not* caused by the child's disability. The new IDEA places the obligation on the parent to show that the child's action resulting in the discipline infraction *was* the direct result of the child's disability.

What does the term manifestation of a child's disability mean? This term has been significantly changed in this reauthorization. Previously any tangential or attenuated relationship between the discipline infraction and the child's disability was sufficient to determine that the infraction was a "manifestation" of the child's disability. In the new IDEA, the bipartisan consensus acknowledged that "[i]t

is the intention of the Conferees that the conduct in question was caused by, or has a direct and substantial relationship to, the child's disability, and is not an attenuated association, such as low self-esteem, to the child's disability." Accordingly, it is now clear in the new IDEA that the disciplinary infraction must be caused by or be the direct result of a child's disability, and not a mere correlation or attenuation.

Who are the relevant members of the IEP Team when conducting a manifestation determination?

Depending on the type of discipline infraction, when the infraction occurred and who was present, some members of the IEP Team may not be relevant to the discussion of the discipline event. For example, although transportation is an important issue, if the discipline infraction occurred during the school day, the transportation member would not be relevant to the discussion of the discipline event. Conversely, if the discipline infraction occurred on the school bus, the transportation member may be the relevant member of the IEP Team. Nonetheless, in each instance the relevant members should be determined in collaboration by the parents and the school district.

What services and placement would then be available to the child if the actions are determined to be a manifestation of the child's disability? In situations where the local educational agency, the parent and the relevant members of the IEP Team determine that the discipline infraction was the direct result of the child's disability, a child with a disability would not be subject to discipline in the same manner as a non-disabled child. However, such determination is not to say that the child should not be subject to any discipline.

In these situations, the IEP Team shall determine whether a functional behavioral assessment has been conducted and a behavioral intervention plan has been implemented for such child. If the IEP Team finds either that such assessment has not been conducted or a behavioral intervention plan has not been implemented for such child, then both should be completed. Where a behavioral intervention plan has been developed, the IEP Team must review the behavioral intervention plan and modify it, as necessary, to address the behavior. Additionally, unless the parent and the school district agree to a change of placement, the child must be returned to the placement from which the child was removed.

What services and placement are available to the child if the actions are determined not be a manifestation of the child's disability? Unless a disciplinary infraction is the direct result of a child's disability the child will be disciplined in the same manner and for the same duration as a non-disabled student. The child may be placed in an interim alternative educational setting. However, if the suspension is for longer than 10 school days, the child will continue to receive educational services to make progress on his or her IEP.